United Nations A/HRC/39/NGO/15

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14191(E)
1814191

Please recycle

Requesting that the U.N. Address China's Continuous Violations of Religious Freedom and Urge China to Reform Its Laws and Policies and Refrain from Enforcing Current Laws

INTRODUCTION

Since December 2017, persecution against religious groups in China has intensified. Christians suffer a majority of the persecution because they are the most organized religion with the highest number of members. The government monitors and suspends church activity because it views religious activity as a threat. Since the Revised Regulations on Religious Affairs (the "**Revised Regulations**") came into effect on 1 February 2018, house churches have faced increased harassment, intimidation, and domination from the government, with thousands of church locations being shut down and Christians detained, arrested, or facing criminal prosecution.

BACKGROUND

1. Arbitrary Application of Article 300

The Chinese government regularly cites Article 300 of the Criminal Law, specifically "organizing evil cults and sects and using superstition to obstruct law enforcement", as justification to persecute religious people and their activities. The Central Government Administrative Office and the Ministry of Public Security has a list of fourteen "evil cults", and followers of these "evil cults" are subject to a maximum sentence of life imprisonment. Since 2017, the government has persecuted Christian house churches in the name of "attacking evil cults", despite the fact that Christianity is not on the "evil cult" list.

The most egregious harassment case thus far occurred on 21 October 2016, when a mass crackdown on Christian groups was launched across Yunnan Province. More than 200 people were detained, and 27 of them were criminally prosecuted under Article 300 for "organizing evil cults and sects and using superstition to undermine law enforcement". These Christians were falsely accused of practicing "Three Grades of Servants", one of the evil cults designated by the National Public Security Bureau. The accused Christians were either missionaries or local believers. The alleged criminal conduct included sharing the Gospel, preaching, praying, and spreading "evil cult" related materials. After being detained and deprived of their freedom for over 400 days, the accused Christians were tried in 6 local courts and sentenced to imprisonments spanning 1.5 to 13 years, with no evidence of a relation to an evil cult.

As the Provincial Higher Court has set a unified standard for judging the cases, and the judgment rendered must have been pre-approved by the Provincial Higher Court, the appeal process is a mere formality. An appellate court upheld one of the trial court's decisions without conducting a hearing. Such court decisions potentially render all Christians in Yunnan in violation of Article 300.

2. Increasing Pressure on House Churches due to the Revised Regulations

The Revised Regulations have increased pressure on Chinese Christians and enhanced the government's control of religions, through the prohibition of all unregistered religious activities. According to Article 21 of the Revised Regulations, small group gatherings in private homes for religious purposes are no longer allowed, but instead it requires registration of venues for any religious activities[1]. This empowers the local authorities to lawfully and freely shut down all house churches as religious groups not recognized by the government, which makes it impossible for them to register as meeting venues. For instance, in one of the districts of Nanyang, a city in the Henan Province, thirty-one house churches were shut down within the first week of the implementation of the Revised Regulations, and over a hundred were closed down across the whole city.

1 Regulations on Religious Affairs (2017 Revision) (promulgated by the State Council, 26 Aug. 2017, effective 1 Feb. 2018), art. 21, 35, 40, 67, CLI.2.301551 (EN) (Lawinfochina).

Moreover, under the Revised Regulations these is no way for unregistered groups to legally receive donations or acquire property, and such donations or property are confiscated[2]. Thus, local religious bureaus impose large fines for any donated funds received on house churches, without due process. In Guangdong Province, the religious bureau implemented an internal policy consisting of a 50,000 RMB (USD 7,500) fine against house churches regardless of the amount of the donation. The first victim of this internal policy was the Reformed Bible Church in Guangzhou. Even though the authorities found no evidence of any donations, the church still was fined RMB 50,000.

The largest urban church in Beijing, the Zion Church, is also facing severe challenges under this new law. In March 2018, the police demanded that the church install surveillance cameras. The church refused, and church members were harassed and threatened by their landlords, employers, public security bureaus, and other authorities. The church was slandered as an illegal gathering and evil cult. Two months later the church received notice from its landlord that the venue's lease, with a term of 5 more years, would end by August 2018. The police also shut down the church's bookstore and cafeteria, which had been operating legally for years.

3. Religious Freedom Severely Restricted for Minors

On 20 May 2018, authorities broke into a church service in Zhengzhou, Henan Province, and demanded that all children under 18 leave the service immediately. The officers refused to allow a woman to stay at the service because she was holding her infant. Similar incidents have occurred during church services in many cities around China. The government wrongfully uses the Revised Regulations to stop minors from engaging in any form of religious activity. The Revised Regulations only forbid preaching in non-religious schools and educational institutions, but states nothing about prohibiting minors from entering religious venues. The government, however, implements the Revised Regulations to such an extent that they equate preaching a sermon to religious education, making it impossible for minors to enter even government approved registered churches (known as the "three-self church"). More and more three-self churches are putting out signs that say "No Minors under 18" at their entrances. At Zhengzhou Three-Self Catholic Church, the local authorities frequently visit the Sunday Mass, stand at the entrance, randomly check attendees' IDs, and enforce the "no minors" policy.

Moreover, Christian schools affiliated with churches were also shut down by authorities. At public schools and universities, campus ministry is strictly forbidden. In some schools, even religious discussions or individual prayers are interrupted, and the individuals involved face school discipline. Some celebrations, such as Easter and Christmas, are prohibited at schools and universities in China to ensure young people resist the "corrosion of Western religious culture". The National Religious Bureau and the United Front Work Department even ordered government held Catholic churches to stop all religious activities for students, including summer and winter camps, Sunday schools, and other youth group activities.

In addition, the enforcement policies have become such a problem that local officials will visit schools and insist that students with Christian parents not follow their parents' religious beliefs or attend Sunday worship. Many parents have to give up their own religious activities, as their children are forbidden from entering religious venues with them.

The government's arbitrary interpretation and implementation of the Revised Regulations deprives minors in China of religious freedom far beyond the text of the Revised Regulations themselves.

4. Crackdown over Christian Activities on the Internet

The implementation of the Revised Regulations also led to stronger control over Christian activities on the Internet. For instance, since 1 April 2018, Chinese Holy Bibles are no longer available for sale online per the Chinese government. Not a single Bible is available at Chinese online stores.

Moreover, the Revised Regulations demand prior approval from Provincial Religious Bureaus for any individual or entity to mention religiously related matters on the internet. Failure to comply may result in administrative sanctions

2 Id.

and even criminal penalties. For example, Pastor Yi Wang, a former law professor and pastor of the largest church in Southwest China, has been in-and-out of the local detention center numerous times for sharing gospel related messages on social media. He was also threatened with criminal charges if he continues similar online messages without obtaining prior approval from the government. However, the Revised Regulations provide neither standards nor procedures for obtaining prior approval. This requirement inevitably empowers the Provincial Religious Bureaus, without any motivation to take up the responsibility, to arbitrarily deny application at their sole discretion. So far, no applicant is known to have successfully obtained such approval. In the meantime, countless faith-based websites and social media accounts have been shut down by the government. Many house churches intended to continue their weekly services through online audio chats after their physical venues were shut down, but their online platforms were also immediately blocked by the government.

REQUEST

The above examples are provided by our contacts in China and are merely the most recent examples of persecution faced by Christians in China. The United Nations must address China's continuous violations of the freedom of religion and urge China not only to reform its laws and policies but to refrain from enforcing the current laws. Chinese law and its enforcement are severely restricting fundamental human rights, and the United Nations must address these violations and encourage China to carry out its obligation to guarantee religious freedom for all of its citizens under its constitution as well as its international commitments under the ICCPR.